

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KEYWANIE S. B.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

CASE NO. 2:23-CV-1627-DWC

ORDER GRANTING MOTION TO  
DISMISS

Before the Court is Defendant's Motion to Dismiss. Dkt. 14. Plaintiff filed a Complaint requesting the Court increase her supplemental security income ("SSI") payments from \$914.00 per month to \$1,888.00 per month in 2024. Dkt. 13. After consideration of the relevant record, the Court finds Plaintiff has not stated a cognizable claim. Therefore, the Motion to Dismiss (Dkt. 14) is granted and this case is dismissed with prejudice.

**I. Legal Standard**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), a party may move to dismiss a complaint on the grounds it "fails to state a claim upon which relief can be granted." To state a

1 claim for which relief may be granted, a complaint must contain “enough facts to state a claim to  
2 relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007).

## 3 **II. Factual and Procedural History**

4 Plaintiff initiated this action on October 16, 2023. Dkt. 1. On November 15, 2023, the  
5 Court granted Plaintiff *in forma pauperis* status and her Complaint was docketed in the case. *See*  
6 Dkts. 11, 13. As stated above, in the Complaint, Plaintiff requests only that the Social Security  
7 Administration be ordered to increase her monthly SSI payments from \$914.00 per month to  
8 \$1,888.00 per month for 2024. Dkt. 13. It appears she would like the increase in payments to  
9 attempt to open a business. *Id.* at 2. Plaintiff does not assert the Social Security Administration’s  
10 final decision was unsupported by substantial evidence or based on legal error. *Id.* In fact,  
11 Plaintiff writes that there was no error with the Commissioner’s decision; she merely is  
12 requesting an increase in her payments for the year of 2024. *See id.*

13 On January 10, 2024, Defendant filed the pending Motion to Dismiss. Dkt. 14. Defendant  
14 asserts Plaintiff has failed to state a cognizable claim because she is receiving the maximum  
15 amount allowed by statute for SSI benefits. *Id.* Plaintiff did not file a response to the Motion to  
16 Dismiss.

## 17 **III. Discussion**

18 Federal law sets the maximum monthly payment amount available for SSI benefits. *See*  
19 42 U.S.C. § 1382(b)(1). In 2023, the maximum federal SSI payment was \$914.00 per month.  
20 Dkt. 14-1, Brugess Dec., ¶ 6. Plaintiff received the maximum SSI payments -- \$914 per month --  
21 in 2023. *Id.*; *see also* Dkt. 13 (Complaint stating Plaintiff received \$914 in 2023). The maximum  
22 SSI payment for 2024 has been increased to \$943.00. Dkt. 14-1, Brugess Dec., ¶ 7. “Assuming  
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1 her circumstances do not change,” Plaintiff will receive federal SSI payments of \$943 per month  
2 in 2024. *Id.*

3 The record reflects Plaintiff is receiving the maximum SSI payment allowed under  
4 Federal law. Plaintiff has not shown, not does the Court find, legal authority to grant Plaintiff  
5 SSI payments above the statutorily allowed amount. Therefore, the Court finds Plaintiff has not  
6 stated a cognizable federal claim and Plaintiff’s claim must be dismissed.

7 **IV. Conclusion**

8 For the above stated reasons, the Motion to Dismiss (Dkt. 14) is granted and this case is  
9 dismissed with prejudice.

10 Dated this 11th day of March, 2024.

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13 David W. Christel  
14 United States Magistrate Judge  
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